

REMARKS

This is in full and timely response to the non-final Office Action mailed on June 17, 2004. Reexamination in light of the following remarks is respectfully requested.

Claims 1-10 and 12-23 are currently pending in this application, with claims 1, 6 and 12 being independent. No new matter has been added.

Substitute specification

A substitute specification, along with a redline copy, has been filed on June 19, 2002. Acknowledgement of receipt and entry of the substitute specification is respectfully requested.

Information Disclosure Statement

The Office Action indicates that the publication of Yoshio Yamazaki, "*AD/DA Converter and Digital Filter*," Journal of the Acoustical Society of Japan 46, No. 3 (1990): pp. 251-257 listed within the Information Disclosure Statement of December 16, 2003 had not been considered due to the absence of an English translation of the reference.

In response, M.P.E.P. §609A(3) explains that:

- If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required. There is no requirement for the translation to be verified.
- Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation.
- Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

As noted hereinabove, M.P.E.P. §609A(3) lists other approaches in addition to an English translation of the reference to fulfill the concise explanation of the relevance requirement found within 37 C.F.R. §1.98. Upon submission of a concise explanation of the relevance of the Yoshio Yamazaki reference, consideration of this reference is respectfully requested.

Drawing objections

The Office Action requests corrected drawings. In response, corrected drawings are provided along with this amendment. Withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. §112

Claim 12 was rejected under 35 U.S.C. §112, second paragraph.

This rejection is traversed at least for the following reasons.

While not conceding the propriety of this rejection and in order to advance the prosecution of the above-identified application, claim 12. Withdrawal of this rejection and allowance of the claims is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 11-12 were rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 5,248,972 to Karema et al. (Karema).

This rejection is traversed at least for the following reasons.

While not conceding the propriety of this rejection and in order to advance the prosecution of the above-identified application, claim 11 has been canceled without prejudice or disclaimer of its underlying subject matter and claim 12 has been placed into independent form.

Accordingly, if the allowance of claim 12 is not forthcoming at the very least and a new grounds of rejection made, then a *new non-final Office Action* is respectfully requested at least for the reasons provided hereinbelow.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 12 includes the features of:

an integrator of a plurality of said integrators having:

fraction elimination means for eliminating a fraction remaining in said integrator, and

order variation means for varying effective orders increasing due to connection with said plurality of said integrators.

Karema arguably teaches a delta-sigma analog-to-digital converter with overload dependent modulator order having a plurality of integrators H_1 to H_N , wherein the order of the modulator is equal to the number of the integrator stages (column 2, lines 54-56).

However, Karema fails to disclose, teach or suggest any of the integrators H_1 to H_N as having fraction elimination means for eliminating a fraction remaining in the integrators H_1 to H_N . In this regard, Karema is *silent* as to this feature.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: August 24, 2004

Respectfully submitted,

By 

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Attachments: REPLACEMENT SHEETS for Figure 1 and Figure 2.